



February 13, 2023

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West
Annapolis, MD 21401

Oppose: SB 294 – Comprehensive Plan – Implementation and Review in Priority Funding Area

Dear, Chair Feldman and Committee Members:

The NAIOP Maryland Chapters representing more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate, oppose Senate Bill 294 because it would impede the use of Planned Unit Development, overlay zones, mixed use zoning, performance zoning and other innovative land planning techniques within the designated growth areas of the state.

Current law contains a two-tiered test to determine consistency of a development proposal with the comprehensive plan of the jurisdiction. The two-tiered approach was adopted by the General Assembly in order to make it harder to develop land outside of designated growth areas (Priority Funding Areas, PFA's) while providing the flexibility necessary to use innovative land planning techniques within those areas that the state and local governments have decided to direct growth. Senate Bill 294 would apply one standard of review to all areas of the state making it more difficult for PFAs to function as they were intended.

The most important and innovative land use techniques are not rigid predetermined uses, densities and intensities, that would be required by Senate Bill 294 but instead rely on Planned Unit Developments, performance zoning, overlay zones, and design guidelines approaches that allow for creative development solutions that are consistent with the intent and goals of the plan.

Local governments with planning and zoning authority develop comprehensive plans to guide growth and development over a 20-year planning time horizon. The comprehensive plans in effect today were not written to forecast detail about density, intensity, and use with the specificity required to meet the requirements of Senate Bill 294. That is one of the reasons that the Montgomery County comprehensive plans contain a statement that the plan is intended to last for 20-years, and that over time detailed recommendations will be come less relevant and general objectives will carry more weight. Comprehensive planning documents are often aspirational and contain internal statements that contradict one another. Senate Bill 249 would require reconciling those kinds of statements before plan adoption in order to maintain strict consistency.

For these reasons, NAIOP respectfully recommends your unfavorable report on Senate Bill 294.

Sincerely,

A handwritten signature in blue ink, appearing to read "T.M. Ballentine".

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: Education, Energy and the Environment Committee Members
Nick Manis – Manis, Canning Assoc.